

EXHIBIT A

**STATE OF RHODE ISLAND KENT COUNTY, SC
SUPERIOR COURT**

Joshua Mello, Plaintiff,

V.

C.A. No. KD-2024-0974

STATE OF RHODE ISLAND

MOTION TO RECUSE COUNSEL

COMES NOW the Plaintiff, Joshua Mello, acting pro se, and respectfully moves this Honorable Court to grant the recusal of Attorney Kenneth Filarski, Esq. as counsel for the Plaintiff in this matter. In support of this motion, Plaintiff states as follows:

1. **Background:** Attorney Filarski entered representation of the Plaintiff without Plaintiff's specific request, during the latter stage of Plaintiff's Post-Conviction Relief (PCR) hearing, while Judge McCaffery was delivering the verdict.
2. **Involuntary Agreement under Duress:** Plaintiff, who was initially proceeding pro se, was persuaded under duress by Attorney Filarski to retain him as counsel. Due to time constraints and limited legal guidance, Plaintiff agreed to this representation.
3. **Communication Issues:** Since Attorney Filarski assumed representation, Plaintiff has experienced significant communication issues. This lack of clear and consistent communication has impacted Plaintiff's ability to make informed decisions in this case.
4. **Procedural Delays and Lack of Diligence:** During the appeals process, critical appeal paperwork was misplaced by the Kent County Courthouse. For approximately three months, there were no updates or actions taken regarding the appeal. When Plaintiff inquired with Attorney Filarski about the delay, he initially suggested that such delays were common. However, upon Plaintiff's request for further investigation, Attorney Filarski reluctantly followed up, leading to the discovery that the delay resulted from an

error by the Clerk's Office, where no action had been taken on the appeal paperwork.

This inaction has caused further undue delay in Plaintiff's case, which could have been avoided with more diligent follow-up from Attorney Filarski.

5. **Concerns Regarding Attorney's Conduct:** Plaintiff has become increasingly uncomfortable with Attorney Filarski's online presence, particularly his non-professional conduct involving public comments and attacks on the Attorney General Neronha, and his family. Plaintiff believes that such behavior reflects poorly on Attorney Filarski's professionalism and judgment, impacting Plaintiff's confidence in his representation.
6. **Breakdown in Attorney-Client Relationship:** Due to the factors outlined above, there has been an irreparable breakdown in the attorney-client relationship, affecting the trust and communication necessary for effective representation.

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Grant this Motion to Recuse Attorney Kenneth Filarski, Esq. as counsel in this matter;
- B. Grant Plaintiff a 60-day extension to either resume self-representation or secure alternative counsel if preferred

Dated: 11/11/24

Respectfully submitted,
/s/ Joshua Mello
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